UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/317,802	05/24/99	UHLIK	C 015685-022

TM02/0419

GREGORY D. CALDWELL
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
12400 WILSHIRE BLVD
SEVENTH FLOOR
LOS ANGELES CA 90024

EXAMINER	
CORSARO, N	
ART UNIT	**PAPER NUMBER**
2684	#11

DATE MAILED: 04/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

PTO-90C (Rev.11/00)

1- File Copy

Office Action Summary

Application No.	Applicant
09/317,802	Christopher R. Uhlik
Examiner	**Group Art Unit**
Nick Corsaro	2684

☒ Responsive to communication(s) filed on *Jan 31, 2001*

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *35-71* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *35-71* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). *10*

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Response to Amendment

Response to Arguments

1. Applicant's arguments filed 01/31/2001 have been fully considered but they are not persuasive.

New references have been applied to the claims.

Regarding the applicants arguments as applied to the references used in the last action, Hisamura states an emergency call method in a mobile environment, said method applicable to any communications environment, such as a wireless local loop (WLL), wherein a WLL uses cellular channels and the system uses a telephone interface and channel allocation to allow priority communications such as emergency calls as does a mobile cellular system. The applicants prior claims however where not directed to a WLL so that the Hisamura reference is applicable and would be applicable even to the new claims that are directed to a WLL. As for the LeBlanc reference wherein the applicant argues that LeBlanc does not disclose allowing the number to be entered even if no channel is available, this limitation is taught in the primary reference (Hisamura) in that Hisamura detects an emergency call at the phone and lets the system no that the call to follow will be an emergency, and the system free's a radio channel.

Regarding the new references. The applicants feature wherein a WLL subscriber unit goes to the off hook position, and if no channels are available the interface notifies the user,

wherein the user can still enter the digits, and upon comparison the user terminal recognizes an emergency call and notifies the system with a priority request, reads on Pentikainen in view of Bilgic and Hisamura as follows. Pentikainen states a WLL subscriber unit that will check for available wireless channels and give the user a different dial tone if no channel are available, however, the user can still enter the dialed digits and if the call is an emergency the unit recognizes the priority call and finds a channel to place the call. Bilgic modifies Pentikainen to show that the unit could request a priority channel. Hisamura modifies Pentikainen and Bilgic to show that the system could free a channel to allow the emergency call.

Therefore the argued features are not written specifically enough or the features are not linked well enough within the claims to show a clear difference between the claims and the cited art.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 35-37, 40-63, 66-68, 70, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pentikainen et al. (6,185,412) in view of Bilgic et al. (5,884,148).

Consider claim 35, Pentikainen discloses a wireless local loop subscriber unit method facilitating a telephone call (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, and col.

4 lines 1-6). Pentikainen discloses determining whether a communication channel is available at a servicing communication station to accommodate the telephone call (see col. 4 lines 46-51, and col. 1 lines 49-54). Pentikainen discloses providing a telephone interface with an indication denoting the unavailability of a communication channel if it is determined that the communication station does not have a communication channel available (see col. 4 lines 48-52). Pentikainen discloses enabling receipt of one or more digits of a telephone number from the telephone interface even if no communication channels are available to determine whether a special channel request is required to facilitate an emergency telephone call (see col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen discloses determining if the call is an emergency call in the subscriber unit and if so proceeding with a special emergency call function that request special channel access and, therefore, Pentikainen is disclosing determining if a priority channel request is required (see col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen does not specifically disclose a priority channel request. Bilgic teaches a priority channel request used for emergency calls (see col. 17 lines 35-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and make a priority channel request, as taught by Bilgic, thus allowing acquisition of a special channel when emergency calls are made.

Consider claim 48, Pentikainen discloses a wireless local loop subscriber unit comprising: a telephone interface, to enable a user to enter a telephone number to place a telephone call; and a transceiver, coupled to the telephone interface, to accept entry of a

telephone number entered by the user even after determining that no communication channels are currently available from a servicing communication station, and to issue a special channel request to the communication station for a communication channel if the telephone number received from the telephone interface corresponds to one or more emergency services (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, col. 4 lines 1-6, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 48-52, col. 3 lines 12-18, col. 4 lines 40-63, col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen does not specifically disclose a priority channel request. Bilgic teaches a priority channel request used for emergency calls (see col. 17 lines 35-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and make a priority channel request, as taught by Bilgic, thus allowing acquisition of a special channel when emergency calls are made.

Consider claim 59, Pentikainen discloses a wireless local loop communication system comprising: a communication station, to communicatively couple the one or more wireless local loop subscriber units to a wireline telephony network; and a wireless local loop subscriber unit, communicatively coupled to the communication station, to accept entry of a telephone number by a user via a telephone interface even after determining that no communication channels are currently available between the subscriber and the communication station, and to determine whether the telephone number entered corresponds to one or more emergency services necessitating a special channel request for a communication channel if no communication channels are otherwise available (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, col.

4 lines 1-6, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 48-52, col. 3 lines 12-18, col. 4 lines 40-63, col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen does not specifically disclose a priority channel request. Bilgic teaches a priority channel request used for emergency calls (see col. 17 lines 35-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and make a priority channel request, as taught by Bilgic, thus allowing acquisition of a special channel when emergency calls are made.

Consider claim 66, Pentikainen discloses a wireless local loop subscriber unit, which is inherently an article of manufacture with a machine accessible medium to provide instructions which, when executed by a wireless local loop subscriber unit, cause the subscriber unit to determine whether a communication channel is available at a servicing communication station to accommodate a telephone call upon detecting an off-hook signal from a telephone interface, provide the telephone interface with an indication denoting the unavailability of a communication channel if it is determined that the communication station does not have a communication channel available, and enable receipt of one or more digits of a telephone number from the telephone interface even if no communication channels are available to determine whether a special channel request is required to facilitate an emergency telephone call (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, col. 4 lines 1-6, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 48-52, col. 3 lines 12-18, col. 4 lines 40-63, col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen does not specifically disclose a

machine accessible medium to provide instructions or a priority channel request. Bilgic teaches a processor within the subscriber unit controls the unit to make a priority call where processors inherently use machine accessible mediums such as ROM, RAM memories , and Bilgic teaches a priority channel request used for emergency calls (see col. 17 lines 35-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and have a machine accessible medium make and a priority channel request, as taught by Bilgic, thus allowing acquisition of a special channel when emergency calls are made. .

Consider claims 36, 49, 67, Pentikainen discloses comparing each of the received digits, as received, to see if an emergency code has been received so that Pentikainen inherently discloses comparing to one or more emergency codes maintained in the subscriber unit to determine whether the received digits correspond to one or more emergency services associated with the one or more emergency codes (see col. 3 lines 10-18).

Consider claims 37, 42, 43, 57, 60, 61, 68, and 70 Pentikainen discloses issuing a special channel request to the servicing communication station if the result of the comparison reveals that the received digits correspond to an emergency code (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, col. 4 lines 1-6, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 48-52, col. 3 lines 12-18, col. 4 lines 40-63, col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen does not specifically disclose a priority channel request. Bilgic teaches a priority channel request used for emergency calls (see col. 17 lines 35-45). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and make a priority channel request, as taught by Bilgic, thus allowing acquisition of a special channel when emergency calls are made.

Consider claims 40, 50, and 58, Pentikainen discloses determining whether a communication channel is available comprises: receiving an off-hook detection signal at the transceiver; issuing a channel request from the transceiver to the servicing communication station; and receiving a response at the transceiver from the communication station to the channel request denoting whether a communication channel is available (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, col. 4 lines 1-6, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 48-52, col. 3 lines 12-18, col. 4 lines 40-63, col. 3 lines 12-18 and col. 4 lines 40-63).

Consider claims 41, and 51, Pentikainen discloses giving a special dial tone is all circuits are busy wherein inherently the special dial tone could be any special indication so that Pentikainen discloses the indication that all communication channels are currently unavailable includes one or more of a fast busy signal, a null signal (silence), a monotone signal, and/or any signal other than a dial tone (see col. 4 lines 45-55).

Consider claims 44, 45, 52, 53, 54, and 71, Pentikainen discloses making a call set up, even if no channels are available, wherein inherently DTMF conversions are used (see col. 4 lines 40-67). Pentikainen does no specifically disclose converting dual-tone, multiple frequency (DTMF) tones received from the telephone interface representing the telephone number entered

by the user to digital signal(s) for the transceiver. Bilgic discloses conversion to DTMF (see col. 14 lines 35-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and DTMF, as taught by Bilgic, thus allowing acquisition of a special channel using a standard interface.

Consider claims 46, 55, 56, 57, 62, and 63, Pentikainen discloses dialing of an emergency number wherein inherently the number could be emergency codes are one or more of a telephone number, a speed-dial code and/or a shortened emergency services code (see col. 4 lines 40-67).

Consider claim 47, Pentikainen discloses a wireless local loop subscriber unit, which is inherently an article of manufacture with a machine accessible medium to provide instructions which, when executed by a wireless local loop subscriber unit, cause the subscriber unit to determine whether a communication channel is available at a servicing communication station to accommodate a telephone call upon detecting an off-hook signal from a telephone interface, provide the telephone interface with an indication denoting the unavailability of a communication channel if it is determined that the communication station does not have a communication channel available, and enable receipt of one or more digits of a telephone number from the telephone interface even if no communication channels are available to determine whether a special channel request is required to facilitate an emergency telephone call (see abstract lines 1-2, col. 4 lines 39-63, col. 3 lines 63-68, col. 4 lines 1-6, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 46-51, col. 1 lines 49-54, col. 4 lines 48-52, col. 3 lines 12-18, col. 4

lines 40-63, col. 3 lines 12-18 and col. 4 lines 40-63). Pentikainen does not specifically disclose a machine accessible medium to provide instructions or a priority channel request. Bilgic teaches a processor within the subscriber unit controls the unit to make a priority call where processors inherently use machine accessible mediums such as ROM, RAM memories , and Bilgic teaches a priority channel request used for emergency calls (see col. 17 lines 35-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen, and have a machine accessible medium make and a priority channel request, as taught by Bilgic, thus allowing acquisition of a special channel when emergency calls are made. .

4. Claims 38, 39, 64, 65, and 69, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pentikainen in view of Bilgic, as applied to claim 35 above, and further in view of Hisamura et al. (5,678,188).

Consider claims 38, 39, 64, 65, and 69, Pentikainen discloses the system as modified by Bilgic above, wherein the priority channel request denotes a priority class of service that is greater than that of non-emergency telephone calls. Pentikainen and Bilgic do not specifically disclose the servicing communication station reallocates communication channel parameters to facilitate the priority channel request. Hisamura teaches the servicing communication station reallocates communication channel parameters to facilitate the priority channel request (see col. 2 lines 15-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Pentikainen and Bilgic, and have the servicing

communication station reallocates communication channel parameters to facilitate the priority channel request , as taught by Hisamura, thus allowing acquisition of a channel when emergency calls are made.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nick Corsaro whose telephone number is (703)306-5616 . The examiner can normally be reached on from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter, can be reached on (703) 308-6732 . The fax phone number for the

organization where this application or proceeding is assigned is (703) 308-6306 or (703) 308-6296 .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Nick Corsaro

THANH CONG LE
PRIMARY EXAMINER